

REMARKS

In the office action dated October 11, 2001 the office objected to claim 11 under 35 U.S.C. 112 and rejected claim 12 under 35 U.S.C. 102. As the application does not contain a claim 12 the applicant believes the office intended to reject claim 11 under 35 U.S.C. 102 as being anticipated by Wymore. The office rejected claims 1-10 under 35 U.S.C. 103 as being obvious in view of Wymore.

In order to place the claims in allowable form claims 1, 2 and 3 have been combined and claim 11 has been amended.

The rejection of claims 1-10 under 35 U.S.C. 103

In regard to the Wymore reference it is submitted that the art recognizes subtle but significant differences between worm weights and sinkers. Attention is called to the specific teachings of Wymore regarding the differences in structure and operation between a sinker and a worm weight. More specifically Wymore states in column 3 lines 4-5 that "Fig. 1 and Fig. 2 show all the essential elements of the embodiment of the split spherical sinker invention" and in Column 3 lines 14-16 states that "Fig. 4 and Fig. 5 show all the essential elements of the embodiment of the invention with respect to worm weights." Based on the express statements of Wymore it is clear that he recognizes and teaches the existence of two distinct inventions, a "split spherical sinker invention" and a "worm weight". In this regard the office attention is called to the fact that the present invention is directed to a "clamp sinker". The significance of the invention being a clamp sinker is that a clamp sinker and a worm weight operate differently. A worm weight is allowed to slide along a fishing line and is used in front of a plastic worm or the like. The present invention is a clamp sinker that is attached to the fishing line and does not slide along the line.

A reference to Wymore Fig. 1 shows his sinker which is comprised of the following features which he lists as "essential":

1. a top element 20

2. a bottom element 22,
3. top and bottom element separated by a mouth grove 24
4. top and bottom element separated by a relief slot 32
5. a living hinge holding the top element 20 and bottom element 22
6. a first pressure step 34
7. a second pressure step 36 which allows the sinker to be "clenched" onto a fishing line

A key feature of the "essential elements" of the Wymore spherical shaped sinker shown in Figures 1, 2 and 3 is the "clenching" of his spherical shaped sinker onto a fishing line to hold the spherical shaped sinker in position on the fishing line. A review of the "essential elements" of the Wymore bullet shaped worm weight, which he shows in Figures 4, 5 and 6, reveals that his bullet shaped worm weight is not "clenched" to the fishing line. Wymore states in column 3 lines 56-62 that "Application of coupled pressure to the top and bottom body elements 38 and 40 causes the line container 46 and 47 to come together locking the line in the center of the sinker. The fishing line has enough clearance to allow the sinker to slide on the line." (emphasis added) Note, Wymore explicitly discloses a bullet shaped worm weight in Figures 4, 5 and 6 that slides on a line and a spherical shaped fishing sinker in Figures 1, 2 and 3 that "clenches" to a line.

In order to bring out the differences between the two inventions the applicant has amended claims 1 and 11 to point out that applicants fishing line clamp which is "clenched" to the fishing line has a "bullet shape". This feature directly contrasts applicant's claims with the bullet shaped worm weight of Wymore which "slides" on the fishing line and Wymore's spherical shaped sinker that is "clenched" on the fishing line.

The office action which rejected claims 1-10 under 35 U.S.C. 103a referred to Wymore for each of the features referred to in independent claim 1 and dependent claims 2-10 as either being disclosed in Wymore or being obvious. The rejection was made without regard to whether a feature was found in

Wymore's worm weight shown in Figures 4, 5 and 6 or his sinker spherical shaped sinker shown in Fig. 1, 2, and 3. Applicants submits the office is in error in ignoring the differences between spherical shaped fishing sinkers that are "clenched" onto a fishing lines and those worm weights that "slide" on a fishing line. More specifically, in regard to the claims the office stated as follows:

In regard to Claim 1 the office stated:

"it would have been obvious to provide the cone shaped embodiment of Fig. 4 with curved gripping surfaces as shown in Fig. 1 for purposes of fixing the line in relation to the sinker."

Applicants states that if Wymore teaches that the worm weight embodiment of Fig. 4, 5 and 6 is made to "slide on the line" and the sinker embodiment of Fig. 1, 3 and 3 is not allowed to slide on the line the there is no impetus to combine the two since to use the "clenching" feature of the embodiment of Fig. 1, 2 and 3 would destroy the "sliding" feature that Wymore requires with the embodiment of Fig. 4, 5 and 6.

In regard to Claim 2 the office stated:

"Wymore shows a first and second line centering surface such as the back of line groove 44 opposite hinge 42."

Applicant points out that this feature is shown on a worm weight of Figure 4, 5, and 6 of Wymore and that Wymore does not teach a centering surface on his sinker, which is shown in Figures 1, 2 and 3.

In regard to Claim 3 the office made no comment regarding the existence or the obviousness of the recess described in claim 3.

Accordingly applicant has canceled claim 2 and combined the features of claims 1, 2 and 3 into amended claim 3 to place claim 3 in allowable form. Applicant points out claim 3 calls for "a recess

located between said first line centering surface and second line centering surface , said recess allowing said line clamp to require less tension force necessary to open and close the jaws of said line clamp than if said recess did not exist." and that such feature is not shown in Wymore.

In regard to Claim 4 the office stated:

"Wymore shows the body as a single integral member with asymmetrical line gripping surfaces 28, 30."

Applicant points out that the spherical shaped sinker of Wymore, which is shown in Figures 1, 2 and 3 shows symmetrical line gripping surfaces since each could replace the other.

In regard to Claim 5 the office stated:

"Wymore does not disclose bismuth, but it would have been obvious to employ bismuth since the choice of material is based on its suitability for the intended use."

Applicant respectfully traverses the offices position and request the office make of record prior art references that discloses "bismuth is old and well known as a sinker material".

In regard to Claim 6 the office stated:

"it is not clear if Wymore contemplates finger bendable clamps, but it would have been obvious to employ a finger bendable clamp for the purposes of not needing a pliers to operate the clamp"

Applicant states that the issue is not whether pliers or any other type of tool can be used on a fishing sinker but whether Wymore discloses or teaches the use of a "finger bendable material". Applicant submits that Wymore does not teach or disclose a "finger bendable clamp".

In regard to Claim 7 the office stated:

"Wymore shows the body as a single integral member with asymmetrical line gripping surfaces"

Accordingly applicant has canceled claim 2 and combined the features of claims 1, 2 and 3 into amended claim 3 to place claim 3 in allowable form. Applicant points out claim 3 calls for "a recess located between said first line centering surface and second line centering surface , said recess allowing said line clamp to require less tension force necessary to open and close the jaws of said line clamp than if said recess did not exist." and that such feature is not shown in Wymore.

In regard to Claim 4 the office stated:

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Applicant states that the issue is not whether pliers or any other type of tool can be used on a fishing sinker but whether Wymore discloses or teaches the use of a "finger bendable material". Applicant submits that Wymore does not teach or disclose a "finger bendable clamp".

Applicant submits that the gripping surfaces 30 and 28 shown in the spherical shaped sinker of Fig 1, 2 and 3 are symmetrical.

In regard to Claim 8 the office stated:

"Wymore shows the jaws extending the entire length of the line clamp in Fig. 1."

Applicant admits that jaws of the spherical sinker of Fig. 1, 2 and 3 that are "clenched" onto his line extend across his sinker but the worm weight shown in Figures 4, 5 and 6 discloses no jaws since the fishing line slides along the line. Applicant further points out that claim 8 calls for an exterior diverging surface to the sinker which is not shown in the "clenching" sinker shown in Figures 1, 2 and 3 of Wymore.

In regard to Claim 9 the office stated:

"Wymore shows a one piece clamp and two asymmetrical jaws 28, 30 extending to a geometric center of the line clamp with the jaws movable between an open and a closed condition by pivoting as shown in Figure. 2."

Applicant submits that Figure 1, 2 and 3 show symmetrical jaws since the shape of each are identical.

In regard to Claim 10 the office stated:

"Wymore shows first and second relief 24 on the top and bottom of the sinker as shown in Figures 1, 2 to permit a user to use a fingernail or thumbnail to pry apart the sinker in the closed condition. "

Applicant submits that the claim 10 calls for a relief and that neither the worm weight shown in Figures 4, 5 and 6 or the spherical shaped sinker shown in Figures 1, 2 and 3 disclose a relief or suggest a relief for a thumbnail.

It is submitted when the present invention of a bullet shaped fishing clamp is considered in light of the separate inventions of sinkers and sliding worm weights that claims 1 and 3-11 are patentable over the art and a notice of allowance is respectfully requested.

VERSION OF CLAIMS WITH MARKINGS TO SHOW CHANGES MADE

1. A bullet shaped line clamp sinker movable between an open and closed condition comprising:
a body composed of a bendable material, said body being cone shape and having a neutral surface, said body having a first end and a second end with said first end of said body being smaller than the second end of said body with said body having a smoothly converging exterior surface from said first end to said second end to form a streamline shape that inhibits snagging and propeller action as the body is pulled through a fluid;
a first curved gripping surface on said body, said first curved gripping surface undulating through said body to provide a surface free of angled corners to thereby inhibit line damping, said first curved gripping surface extending from said first end to said second end, said first curved gripping surface having at least one surface contouring protrusion, said first curved gripping surface having a portion extending proximate a geometric center of said line clamp; and
a second curved gripping surface on said body said second curved gripping surface undulating through said body to provide a surface free of angled corners [o] to thereby inhibit line damping, said second curved gripping surface extending from said first end to said second end with said second curved gripping surface including a surface contouring recess mateable with said protrusion to produce a nonlinear path through said resilient body so that when said second curved gripping surface and said first curved gripping surface coact to grasp a line located therein to prevent the slippage of the line therein as the line is squeezed and held therebetween by bending said line clamp around the line.
3. The bullet shaped line clamp sinker [of claim 2] movable between an open and closed condition comprising:
a body composed of a bendable material, said body being cone shape and having a neutral surface, said body having a first end and a second end with said first end of said body being smaller than the second end of said body with said body having a smoothly converging exterior surface from

said first end to said second end to form a streamline shape that inhibits snagging and propeller action as the body is pulled through a fluid;

a first curved gripping surface on said body, said first curved gripping surface undulating through said body to provide a surface free of angled corners to thereby inhibit line damping, said first curved gripping surface extending from said first end to said second end, said first curved gripping surface having at least one surface contouring protrusion, said first curved gripping surface having a portion extending proximate a geometric center of said line clamp; and

a second curved gripping surface on said body said second curved gripping surface undulating through said body to provide a surface free of angled corners o thereby inhibit line damping, said second curved gripping surface extending from said first end to said second end with said second curved gripping surface including a surface contouring recess mateable with said protrusion to produce a nonlinear path through said resilient body so that when said second curved gripping surface and said first curved gripping surface coact to grasp a line located therein to prevent the slippage of the line therein as the line is squeezed and held therebetween by bending said line clamp around the line;

an integral peripheral hinge connecting the two jaws together, said peripheral hinge having a first line centering surface located at the first end of said line clamp and a second line centering surface located on the second of said line clamp, said line centering surface for maintaining said line in a centered condition within line clamp; and

[including] a recess located between said first line centering surface and second line centering surface , said recess allowing said line clamp to require less tension force necessary to open and close the jaws of said line clamp than if said recess did not exist.

4. The bullet shaped line clamp of claim 1 wherein the body is a single continuous integral member with each of the line griping surfaces asymmetrical but mateable with each other.

5. The bullet shaped line clamp of claim 1 wherein the body is an alloy of bismuth.

6. The bullet shaped line clamp of claim [2]1 wherein the body is finger bendable.
7. The bullet shaped line clamp of claim 1 wherein the body is a continuous integral member.
8. The bullet shaped line clamp of claim 1 wherein the line clamp has an exterior diverging surface and a set of jaws that extend the entire length of the line clamp.
9. The bullet shaped line clamp of claim 1 wherein the line clamp is one piece and includes two asymmetrical jaws extending to a geometric center of said line clamp with said jaws are movable between an open condition and a closed condition by pivoting the jaws.
10. The bullet shaped line clamp of claim 1 including a first relief on a top half of the sinker and a second relief on the bottom half of the sinker to permit a user to insert to insert a fingernail or thumbnail thereon to pry apart the sinker if the sinker is in a closed condition.
11. A bullet shaped clamp sinker movable between an open and closed condition comprising:
 - a body composed of bendable material, said body being cone shape and having a neutral surface, said body having a first end and a second end with said first end of said body being smaller than the second end of said body with said body having a smoothly converging exterior surface from said first end to said second end to form a streamline shape that inhibits snagging and propeller action as the body is pulled through a fluid;
 - a first line gripping surface on a first end of said body, said first line gripping surface
 - a second line gripping surface on the first end of said body for mating engagement with said first line gripping surface;

a third line gripping surface on said second end of said body, said third line gripping surface spaced from said first line gripping surface; [and]

a fourth line gripping surface on the third end of said body for mating engagement with said third line gripping surface with said first line gripping surface and said second line gripping surface holding a line in a centered condition on the first end of the clamp sinker and the third line gripping surface and the fourth line gripping surface holding the line in a centered condition on the second end of said body; and

a recess located between said first line gripping surface and second line gripping surface, said recess allowing said line clamp to require less tension force necessary to open and close the jaws of said line clamp than if said recess did not exist.

Respectfully submitted,
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